

REMARKS

This application has been carefully reviewed in light of the Office Actions dated July 6, 2004 and September 17, 2004, in which the latter Office Action reset the period for response to December 17, 2004. Claims 2 to 11, 14 to 24, 26, and 28 to 33 are in the application, of which Claims 14, 26, 28, 29, 32 and 33 are independent. Reconsideration and further examination are respectfully requested.

The Office Action indicates that the drawings on file are informal. In response, a replacement sheet is submitted herewith for Figure 1, bearing the correction approved by the Examiner in the Office Action dated February 10, 2003. The drawings are believed to be in the correct format and may be forwarded to the draftsman.

Claim 20 has been amended to correct a typographical error pointed out by the Office Action.

Claims 2 to 11, 14 to 24, 26, 29, 30 and 32 were rejected under 35 U.S.C. § 101. The rejections are respectfully traversed.

The Office Action contends that independent Claims 14, 26, 29 and 32 are not limited by language within the technological arts and that the claims at issue suffer from undue breadth. Undue breadth is not a proper ground for rejection under 35 U.S.C. § 101, and withdrawal of the § 101 rejection is respectfully requested.

Nevertheless, given the Examiner's apparent concern over the breadth of the claims, the method and apparatus claims have been amended to recite a "computer-executable method" and an "information-processing apparatus", respectively.

Claims 2 to 11, 14 to 24, 26 and 28 to 33 were rejected under 35 U.S.C. § 103(a) over Using Microsoft Project 4: for Windows (Project). The rejections are respectfully traversed.

The present invention relates to scheduling the display of items of information on a display apparatus. The display apparatus includes a display unit and a user interface. The items of information are scheduled for display in accordance with a priority value that is a function of time. As one example, particular items of information, such as advertisements, may have higher priorities at certain times of the day. When a user interacts with the user interface of the display apparatus a user interrupt is generated and the scheduled items of information are cleared. An estimate is made of when the user will finish interacting with the user interface, and the items of information are rescheduled for display in accordance with priority values at the estimated time. The clearing, estimating, and rescheduling steps are repeated if the user is still interacting with the user interface at the estimated time. If the user is not interacting with the user interface, the items of information are displayed as scheduled.

By clearing and rescheduling items of information in response to a user interrupt, the present invention more effectively prioritizes items of information and reschedules them for display in situations when a user is interacting with the display apparatus. In this way, the presentation of items on the display are more effectively scheduled at a time when a user is known to be interacting with the display apparatus.

With specific reference to the claims, independent Claim 14 recites a computer-executable method of displaying items of information on a display apparatus

comprising a display unit and a user interface, wherein each item of information has an associated priority which is a function of time. The computer-executable method comprises the steps of (a) scheduling items of information in accordance with values of the priorities, the scheduling determining an order for display the items of information on the display apparatus, (b) generating a user interrupt in response to a user interacting with the user interface, (c) clearing the scheduled items of information in response to the user interrupt, (d) estimating a time when the user will finish interacting with the user interface, (e) rescheduling items of information for display on the display apparatus in accordance with the values of the priorities at the estimated time, (f) repeating steps (d) to (e), if the user is still interacting with the user interface at the estimated time, and (g) displaying the information as scheduled, if the user is not interacting with the user interface at the estimated time.

Independent Claims 26 and 28 are apparatus and computer readable medium claims, respectively, that correspond generally to the computer-executable method of independent Claim 14.

The applied art is not seen to disclose or suggest the features of independent Claims 14, 26 and 28, and in particular, is not seen to disclose or suggest at least the features of (c) clearing the scheduled items of information in response to the user interrupt, (d) estimating a time when the user will finish interacting with the user interface, (e) rescheduling items of information for display on the display apparatus in accordance with the values of the priorities at the estimated time, (f) repeating steps (d) to (e), if the user is still interacting with the user interface at the estimated time, and (g) displaying the

information as scheduled, if the user is not interacting with the user interface at the estimated time.

Project is seen to be a user manual for project management software.

Project is seen to teach the use of a software product for allocating resources to project tasks and managing the timing of a critical path through a project. Specifically, Project is seen to teach the use of Gantt charts for scheduling tasks. However, nothing in Project is seen to teach the above-mentioned features of the present invention.

The Office Action contends that various sections of Project teach the features of Claims 14, 26, and 28. However, the Office Action does not indicate with any particularity the specific features of Project that disclose the features of the rejected claims. Moreover, even after careful study, Applicant can find no teaching that Project ever clears scheduled items of information in response to a user interrupt.

Furthermore, Applicant submits that Project does not teach the steps of (d) estimating a time when the user will finish interacting with the user interface, (e) rescheduling items of information for display on the display apparatus in accordance with the values of the priorities at the estimated time, (f) repeating steps (d) to (e), if the user is still interacting with the user interface at the estimated time, and (g) displaying the information as scheduled, if the user is not interacting with the user interface at the estimated time. A respectful reminder is made of the provisions of MPEP § 2106 II. C: “when evaluating the scope of a claim, every limitation in the claimed invention in the claim must be considered. Office personnel may not dissect a claimed invention into discrete elements and then evaluate the elements in isolation. Instead, the claims as a

whole must be considered.” In this regard, when properly taken as a whole, the interaction of the claimed steps, namely the interaction of the generating, clearing, estimating, rescheduling, repeating and displaying steps, are not seen to be disclosed or suggested by Project.

Further in regard to Claim 14, the Office Action concedes that Project lacks an explicit recitation of “scheduling items of information in accordance with values of the priorities.” However, the Office Action contends that this feature is made obvious in view of page 82 and Fig. 3.6 of Project, and in view of Project’s stated goal “to guide...[one] through all phases of project management.” Although such a goal is laudable, there is nothing in Project that suggests that such a goal might be achieved by scheduling items of information in accordance with values of the priorities, wherein the scheduling determines an order for displaying the items of information on the display apparatus, as currently recited in the claims. Page 82 and Fig. 3.6 of Project are seen to teach a scheduling tab where the duration and start date of tasks can be set. Project is not seen to teach that items of information are scheduled based on priority values, muchless that such priority values are functions of time. Furthermore, the Office Action’s assertion of obviousness over Project’s stated goal does not render these features of the present invention obvious. Project’s goals are nothing more than generalized objectives, and do not constitute a suggestion of a methodology for achieving these goals. Rather, the inference in the Office Action that the claimed features might be obvious is based only on impermissible hindsight in view of Applicant’s own disclosure.

As such, Project is not seen to disclose or suggest the foregoing combination of features of independent Claims 14, 26 and 28, and they are therefore believed to be allowable.

According to another aspect of the present invention, independent Claim 29 recites a computer-executable method of scheduling items of information for presentation on an output device. The method comprises the steps of (a) calculating a priority for each item of information at a first time, (b) placing one or more of the items into a schedule in accordance with the calculated priorities, wherein an item having a maximum calculated priority is placed at a first available slot in the schedule, the schedule determining an order for presenting the items of information on the output device (c) checking whether the output device is being used, and (d) rescheduling the schedule if said checking step indicates that the output device is being used. The rescheduling step itself further comprises the steps of (d)(i) clearing the schedule, (d)(ii) calculating a further priority for each item of information at a second time at which the output device is not being used, and (d)(iii) placing one or more of the items into the schedule for presentation on the output device in accordance with the further priorities, wherein an item having a maximum further priority is placed at the first available slot in the schedule.

Independent Claims 32 and 33 are apparatus and computer program product claims, respectively, that correspond generally to independent Claim 29.

The applied art is not seen to disclose or suggest the features of independent Claims 29, 32 and 33, and in particular, is not seen to disclose or suggest at least the features of checking whether the output device is being used and rescheduling the schedule

if the checking step indicates that the output device is being used, wherein the rescheduling step comprises the steps of clearing the schedule, calculating a further priority for each item of information at a second time at which the output device is not being used, and placing one or more of the items into the schedule for presentation on the output device in accordance with the further priorities, wherein an item having a maximum further priority is placed at the first available slot in the schedule.

Referring to the arguments made above with respect to independent Claim 14, Project is not seen to check whether an output device is being used and then perform rescheduling if the device is being used. Furthermore Project is not seen to teach a rescheduling process that involves clearing the schedule, calculating a further priority for each item of information at a second time at which the output device is not being used, and placing one or more of the items into the schedule for presentation on the output device in accordance with the further priorities, wherein an item having a maximum further priority is placed at the first available slot in the schedule.

Accordingly, based on the foregoing remarks, independent Claims 29, 32 and 33 are also believed to be allowable over Project.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

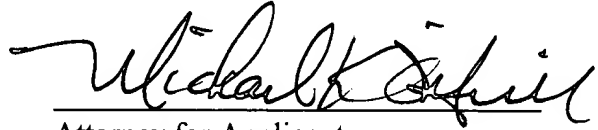
In this regard, in entering its rejection of dependent claims 2 to 11, 15 to 24, 30 and 31, the Office Action concedes that Project lacks explicit recitation of the elements and limitation of the claims, but takes "Official Notice" that these limitations are well-known and would have been obvious in view of Project's goal "to guide...[one] through all phases of project management." Applicant respectfully disagrees.

MPEP § 2144.03 A. states that "it would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." The Office Action makes no reference to the art to show that the claimed features are well-known. Furthermore, since the features of the dependent claims define additional aspects of the invention, such aspects including the interaction of the features of the dependent claims with the features of their base claims, it is respectfully submitted that these features are not well-known and are not proper subject matter for official notice. Accordingly, the Applicant makes a specific request under MPEP § 2144.03 for documentary evidence in support of the Official Notice, if the rejection of these claims is maintained. Finally, the Office Action's assertion that these features would be obvious over Project's stated goal is also believed to be improper, as the inference of such features is seen to be based only on impermissible hindsight in view of Applicant's disclosure.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa,
California office at (714) 540-8700. All correspondence should continue to be directed to
our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael K. O'Neill", written over a horizontal line.

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